

Quinn,Robert E

From: Quinn,Robert E
Sent: Tuesday, June 23, 2020 4:15 PM
To: 'Claudia Wilner'; Chinyere Ezie
Cc: Darius Charney; Edward Krugman
Subject: RE: Black Love Resists in the Rust, et al. v. City of Buffalo, et al: Plaintiff's Fourth Set of Requests for Production

For 85 and 86, I'm searching but we have raised objections relating to the Grant requests, as we've discussed, so we may have to stand on those objections if unable to resolve. I need to know more about what exists and how its searchable first.

For 87-93 I'm still searching (unfortunately we're still not back in the office) and will advise once the search is complete. Won't reiterate was I said below but its likely we'll have to discuss some of these requests more fully before anything is turned over because of search capacity, breadth, and burden issues.

Specifically, I now have a better idea of what ECAC produces and I expect to reiterate objection on burden and breadth, among other things. It's my understanding that there are several daily/weekly/monthly reports that contain a variety of information, much of it general. I'm still trying to determine how these are maintained, what exactly they contain, and what type of search is possible, so will advise once I know that.

The "directives" request is mostly just objecting to the word and asking for clarity on what you want searched, as opposed to the scope of the request its self. I am searching and if we find anything expect to be able to turn it over.

The BMHA property objection is primarily based on my understanding that we don't maintain records and information by that category and are unable to search for it.

Let me know if you have any other questions. Thanks.

Rob Quinn.

From: Claudia Wilner [mailto:wilner@nclej.org]
Sent: Thursday, June 18, 2020 8:29 PM
To: Quinn,Robert E <rquinn@ch.ci.buffalo.ny.us>; Chinyere Ezie <cezie@ccrjustice.org>
Cc: Darius Charney <dcharney@ccrjustice.org>; Edward Krugman <krugman@nclej.org>
Subject: RE: Black Love Resists in the Rust, et al. v. City of Buffalo, et al: Plaintiff's Fourth Set of Requests for Production

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Rob, can you clarify for Requests 85 and 86, whether you intend to stand on your objections or whether you will be searching for and producing documents.

Similarly, for Requests 87-93 you have stated that you are not aware of any responsive documents at this time. For those requests, have you completed your search process or do you still intend to search for and produce responsive documents?

Please clarify in writing.

Thanks,
Claudia



Claudia Wilner
Director of Litigation and Advocacy (pronouns she/her)
National Center for Law and Economic Justice
275 Seventh Avenue, Suite 1506, New York, NY 10001-6860

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From: Quinn, Robert E <rquinn@ch.ci.buffalo.ny.us>

Sent: Thursday, June 11, 2020 6:47 PM

To: Chinyere Ezie <cezie@ccrjustice.org>

Cc: Claudia Wilner <wilner@nclej.org>; Darius Charney <dcharney@ccrjustice.org>; Edward Krugman <krugman@nclej.org>

Subject: RE: Black Love Resists in the Rust, et al. v. City of Buffalo, et al: Plaintiff's Fourth Set of Requests for Production

See attached Responses to your Fourth Set of Requests for Production. In addition to these responses, in an effort to move things forward, I also offer these general observations:

The demands relating to grants are the same objections we've been discussing.

The demand relating to the Erie Crime Analysis Center is broad, but I'm still looking into how much documentation would be responsive, so that is something I will follow up on. I would expect that limiting the demand would help, but want to know more about what exists before discussing that.

Demand relating to "directives" is objected to as I'm unclear what would be included in that term. If there is a specific document or form that you are referring to, please let me know. I'm still looking for potentially responsive documents on this so, if "directives" is just being used generally it would be helpful if you could define further, so I can make sure to conduct all appropriate searches.

Demand relating to stopped vehicles is broad and vague, and based on looking into prior demands I don't expect we have any compilations or capacity to search for these categories, but I'd like to do more digging before I say for sure. I will follow up on this.

Demand relating to BMHA parking lots is broad and vague in what is being requested (e.g., "citations", "concerning") so that would be something to discuss later, but I'd like to first determine if there is any ambiguity in what a BMHA parking lot is and if there's any way to determine what tickets were issued in them. I am still looking into these questions and we should discuss after I know more.

Thanks.

Rob Quinn.

From: Quinn,Robert E
Sent: Tuesday, May 12, 2020 8:42 PM
To: 'Chinyere Ezie' <cezie@ccrjustice.org>
Cc: Claudia Wilner <wilner@nclej.org>; Darius Charney <dcharney@ccrjustice.org>; Edward Krugman <krugman@nclej.org>
Subject: RE: Black Love Resists in the Rust, et al. v. City of Buffalo, et al: Plaintiff's Fourth Set of Requests for Production

Received. I don't like asking for extensions but we may have to in this instance given all the circumstances. I'll follow up either way. Thanks.

From: Chinyere Ezie [<mailto:cezie@ccrjustice.org>]
Sent: Tuesday, May 12, 2020 8:38 PM
To: Quinn,Robert E <rquinn@ch.ci.buffalo.ny.us>
Cc: Claudia Wilner <wilner@nclej.org>; Darius Charney <dcharney@ccrjustice.org>; Edward Krugman <krugman@nclej.org>
Subject: Black Love Resists in the Rust, et al. v. City of Buffalo, et al: Plaintiff's Fourth Set of Requests for Production

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Rob,

Enclosed please find copies of Plaintiffs' Fourth Set of Requests for the Production of Documents dated May 12, 2020.

Best Regards,
Chinyere

Chinyere Ezie

Staff Attorney

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Phone & Fax: 212.614.6467

Pronouns: She/Her

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Quinn,Robert E

From: Quinn,Robert E
Sent: Thursday, February 13, 2020 11:40 AM
To: Darius Charney
Cc: Williams, Keisha; W, Claudia
Subject: RE: Fahey Deposition Follow-Up
Attachments: CHAPTER 1 - ORGANIZATION.DOCX; CHAPTER 2 - AIDED AND ACCIDENT CASES.DOCX; CHAPTER 3 - ARRESTS.DOCX; CHAPTER 4 - PRISONERS.DOCX; CHAPTER 5 - EVIDENCE.DOCX; CHAPTER 6 - COURTS.DOCX; CHAPTER 7 - TRAFFIC.DOCX; CHAPTER 8 - PATROL.DOCX; CHAPTER 9 - COMMUNICATIONS & RECORDS.DOCX; CHAPTER 10 - WORK HOURS, VACATIONS, TIME OFF & RECORD KEEPING.DOCX; CHAPTER 11 - PUBLIC ASSEMBLAGES & EMERGENCIES.DOCX; CHAPTER 12 - UNIFORMS AND EQUIPMENT.DOCX; CHAPTER 13 - LEAVES AND INJURED ON-DUTY.DOCX; CHAPTER 14 - COOPERATION WITH OTHER AGENCIES.DOCX; CHAPTER 15 - DISCIPLINE AND DISCHARGE.DOCX; CHAPTER 16 - COURTESIES AND RECOGNITION.DOCX; CHAPTER 17 - INVESTIGATIONS.DOCX; CHAPTER 18- BUDGET, SUPPLIES, PROPERTY AND TRAVEL.DOCX; EXHIBIT A - RULES AND REGULATIONS.DOCX; EXHIBIT B - PROPERTY SOP.DOCX; EXHIBIT C - POLICY REGARDING RECORDING CUSTODIAL INTERROGATIONS.DOCX

Attached are what I understand to be an update to the MOP in Microsoft Word version from approx. March 2019. This includes a copy of the most recent Rules and Regulations as Exhibit A. These would appear to be responsive to your first and second numbered demands, and I am unaware of any other responsive documents at this time. I am attempting to locate a hard copy, and will follow up with bates numbered pdf and if I can do that. I would note, our search for these documents have been slightly delayed as Lt. Fahey is currently out on bereavement, but we will of course respond and supplement in accordance with our discovery obligations. Let me know if you have any questions.

Rob Quinn. (716) 851-4326.

From: Darius Charney [mailto:dcharney@ccrjustice.org]
Sent: Wednesday, January 15, 2020 2:00 PM
To: Quinn,Robert E <rquinn@ch.ci.buffalo.ny.us>
Cc: Williams, Keisha <kwilliams@wnylc.com>; Brittany Thomas <bthomas@ccrjustice.org>; England, Travis <england@nclej.org>; W, Claudia <wilner@nclej.org>
Subject: Fahey Deposition Follow-Up

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Rob-

Attached please find written correspondence from Plaintiffs re document requests we made on the record during Lieutenant Fahey's deposition last month. In addition, I have attached the rough transcript of the Fahey deposition, which is referenced in Plaintiffs' letter.

Also, I wanted to follow up on my email to you from last Friday about scheduling a call this week to discuss several outstanding discovery items. Could you get back to me today with your availability for a call, preferably later this week?

--
Darius Charney
Senior Staff Attorney
Pronouns: He/Him

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Quinn,Robert E

From: Quinn,Robert E
Sent: Monday, February 03, 2020 10:44 AM
To: W, Claudia; Darius Charney
Subject: 2019 Jag Application
Attachments: Buffalo JAG 2019 Certifications Assurances Signed.pdf; Buffalo JAG 2019 DHS and ICE.PDF; Buffalo JAG 2019 Disclose Pending Apps.pdf; Buffalo JAG 2019 Financial Capabilities.pdf; Buffalo JAG 2019 Intergovernmental Review Public Comment.pdf; Buffalo JAG 2019 Lobbying Disclosure.pdf; Buffalo JAG 2019 Low Risk.pdf; Buffalo JAG 2019 MoU.PDF; Buffalo JAG 2019 Program Narrative.pdf; Buffalo JAG 2019 Project Identifiers.pdf; Buffalo JAG 2019 SAM Registration.pdf

See attached, preserving all prior objections, per our discussion.

Quinn,Robert E

From: Quinn,Robert E
Sent: Thursday, January 02, 2020 7:29 PM
To: 'Claudia Wilner'
Cc: Travis England; Darius Charney; Edward Krugman
Subject: RE: Search terms

Sorry, I was out of town for the holidays and am just catching up. I will follow up tomorrow on the LOTUS Notes question.

On the DOJ/Grants request, I am still looking into but have additional information as set forth below:

At this point my understanding is the only DOJ Grants applied for and received by the COB/BPD are one National Crime Statistics Exchange (NCS-X) grant and a yearly Justice Assistance Grant (JAG). It is my understanding that the JAG grant was applied for and received each year during the requested period. I will confirm this and advise.

At least with respect to the JAG, my general understanding is that there would be an initial Application, a Grant/Contract, quarterly Performance Measuring Tool (PMT), quarterly Financial Status Reports, and Closeout paperwork. There may also be Grant Adjustment Notice (GAN) and Official Communications regarding Grant Management Issues, though not always. The Application and Closeout Paperwork may differ slightly for each year, but I believe would largely be similar and consistent throughout the requested period. I don't have a clear picture of the documentation associated with the NCS-X grant, or if its different, but my understanding is that it generally has to do with training and assistance with implementation of an updated federal reporting program.

I am attempting to determine the general scope/use of each individual grant, as well as the level of specificity/detail of that information in the documentation I referenced above, and will advise when I have it. It is my expectation that there would be an abstract or narrative that describes what the general scope that the grant would be used for so that is where I will start. Once this happens I would suggest we discuss if it can be determined whether each grant falls within the scope of our prior discussions and then determine what, if any, documentation/information would be appropriate for each. I am also attempting to locate a representative "set" of the documents described above to further discussions about how much there is, how burdensome a search would, and how relevant they would be, among other reasons. I will also advise further once that's completed.

Happy New Years, and I'll plan on speaking with you soon.

Rob Quinn.

From: Claudia Wilner [mailto:wilner@nclej.org]
Sent: Thursday, January 02, 2020 5:01 PM
To: Quinn,Robert E <rquinn@ch.ci.buffalo.ny.us>
Cc: Travis England <england@nclej.org>; Darius Charney <dcharney@ccrjustice.org>; Edward Krugman <krugman@nclej.org>
Subject: RE: Search terms

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Bumping this request. Rob, we would appreciate a response on the Lotus Notes issue as soon as possible. Thank you.



Claudia Wilner
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From: Claudia Wilner
Sent: Friday, December 27, 2019 10:31 AM
To: Quinn, Robert E <rquinn@ch.ci.buffalo.ny.us>
Cc: Travis England <england@nclej.org>; Darius Charney <dcharney@ccrjustice.org>; Edward Krugman <krugman@nclej.org>
Subject: Re: Search terms

Rob, any update with respect to designing search terms for Lotus Notes?
Thanks,
Claudia

Sent from a phone

On Dec 23, 2019, at 5:48 PM, Quinn, Robert E <rquinn@ch.ci.buffalo.ny.us> wrote:

In my version of Microsoft Outlook:

1. Yes.
2. No, not if it is in quotation marks. Just the word checkpoint, not in quotation marks, appears to return both.

I'll try to figure out Lotus Notes tomorrow and let you know.

From: Claudia Wilner [<mailto:wilner@nclej.org>]
Sent: Monday, December 23, 2019 5:09 PM
To: Quinn, Robert E <rquinn@ch.ci.buffalo.ny.us>
Cc: Travis England <england@nclej.org>; Darius Charney <dcharney@ccrjustice.org>; Edward Krugman <krugman@nclej.org>
Subject: Search terms

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Rob, in response to the Court's recent decision and order on our motions to compel, we are following up to request clarification on search terms that are compatible with your system.

1. Does your system accept multiple words in quotation marks? For example "check point"
2. Will a search for "checkpoint" return both "checkpoint" and "checkpoints"?

Please respond promptly as Plaintiffs are anxious to start the search process as soon as possible.

Best wishes for a happy holiday and new year.

<image002.jpg> **Claudia Wilner**
Senior Attorney (pronouns she/her)
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275 Seventh Avenue, Suite 1506, New York, NY 10001-6860

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<image003.jpg> <image004.jpg><image005.jpg><image006.jpg>

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Quinn,Robert E

From: Quinn,Robert E
Sent: Friday, December 13, 2019 6:08 PM
To: Travis England; Claudia Wilner
Cc: Darius Charney
Subject: RE: Request for Meet and Confer
Attachments: First Supplemental Responses to Amended Third Set of Requests for Production.pdf; COB010009-COB010043.pdf

Please see attached "First Supplemental Response to Plaintiffs' Third Set of Requests for Production".

Let me know if you have any questions. Thanks.

Rob Quinn.

From: Quinn,Robert E
Sent: Friday, December 13, 2019 2:07 PM
To: 'Travis England' <england@nclej.org>; 'Claudia Wilner' <wilner@nclej.org>
Cc: 'Darius Charney' <dcharney@ccrjustice.org>
Subject: RE: Request for Meet and Confer

I will provide a revised privilege log by Monday.

We're still working on the housing/strike force, not sure if it will be done today but should be next week.

I am in the process of identifying all grants and expect to be done by next Friday. My understanding is that we will be able to identify potentially responsive grants but many of the "grants" are multifaceted include moneys for various purposes. I do not have any documentation at this point, but once I identify the universe of grants and have a better understanding of what documentation would be included, I believe we should confer about how to proceed.

Revised but not final responses to RFP 79-84 will be out later today. I expect that there will be further supplements and am in the process of searching for additional responsive materials.

Please advise re: Fahey's EBT.

Thanks.

From: Quinn,Robert E
Sent: Friday, December 06, 2019 12:16 PM
To: 'Travis England' <england@nclej.org>; Claudia Wilner <wilner@nclej.org>
Cc: Darius Charney <dcharney@ccrjustice.org>
Subject: RE: Request for Meet and Confer

What would you consider an acceptable example of "factual basis for assertion of privilege"? Would something like "scheduling" or "requesting information" be acceptable? If not, what would be?

I expect the housing and strike force to be completed next Friday (12/13) but we'll have to talk about how complete/precise the info will be. Traffic may be more complicated as I'm still trying to determine if all officers identified were "assigned" to that unit as opposed to some may have picked a shift up on one or more occasions.

Buffalo Police Department has a Lt. Mike Palaszay who, at least to my understanding, generally oversees grants. I have reached out with the questions/limitations/requests discussed at our last meet and confer (applications and reports re: checkpoints, community policing, etc) but do not have a full understand at this point. Am working on this now so will update as soon as I have more info.

We will be supplementing our responses to RFP's 79-84 on or before next Friday (12/13)

Lt. Fahey is generally available, if you want to do the 16th that should be fine. Who will be questioning and how long is it expected to take? I would offer that we have local court reporting services who can provide video conference depositions free of charge (Jack W. Hunt provides excellent service). To make things easier for everyone, assuming someone from NYC will be questioning, do you want me to reach out to them?

I'm free the rest of the day if you want to communicate via email as opposed or in addition to a phone conference.

Thanks.

Rob Quinn, (716) 851-4326.

From: Travis England [mailto:england@nclej.org]
Sent: Thursday, December 05, 2019 3:32 PM
To: Claudia Wilner <wilner@nclej.org>; Quinn, Robert E <rquinn@ch.ci.buffalo.ny.us>
Cc: Darius Charney <dcharney@ccrjustice.org>
Subject: Re: Request for Meet and Confer

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Rob,

We can use the below conference line tomorrow for our 2pm call. On the call, we'd like to close the loop on the following items that we discussed on November 25th:

- Status of Employment History search regarding Traffic Housing and Strike Force Unit officers.
- Defendant's search for documents relating to federal financial assistance (you had said you would update us by December 6).
- Search for documents responsive to RFPs 79-84 (you had said you would update by December 6).
- Deposition of Lieutenant Fahey.

I apologize that I did not send an example of the privilege log format. Please see attached. Let me know if you have questions.

Travis

From: Travis England <england@nclej.org>
Date: Monday, November 25, 2019 at 12:56 PM
To: Claudia Wilner <wilner@nclej.org>, "Quinn, Robert E" <rquinn@ch.ci.buffalo.ny.us>
Cc: Darius Charney <dcharney@ccrjustice.org>
Subject: Re: Request for Meet and Confer

Rob,
We can use this call-in number:
646-680-8918
0140943#

From: Claudia Wilner <wilner@nclej.org>
Sent: Wednesday, November 20, 2019 2:02:55 PM
To: Quinn,Robert E <rquinn@ch.ci.buffalo.ny.us>
Cc: Darius Charney <dcharney@ccrjustice.org>; Travis England <england@nclej.org>
Subject: RE: Request for Meet and Confer

Let's do 1pm, thanks.



Claudia Wilner
Senior Attorney (pronouns she/her)
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From: Quinn,Robert E <rquinn@ch.ci.buffalo.ny.us>
Sent: Wednesday, November 20, 2019 12:16 PM
To: Claudia Wilner <wilner@nclej.org>
Cc: Darius Charney <dcharney@ccrjustice.org>; Travis England <england@nclej.org>
Subject: RE: Request for Meet and Confer

I have a mediation at 2.

12 or 1 should be fine, could also probably do 3 or 4.

From: Claudia Wilner [<mailto:wilner@nclej.org>]
Sent: Wednesday, November 20, 2019 11:43 AM
To: Quinn,Robert E <rquinn@ch.ci.buffalo.ny.us>
Cc: Darius Charney <dcharney@ccrjustice.org>; Travis England <england@nclej.org>
Subject: RE: Request for Meet and Confer

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Rob, I am trying to schedule some other meetings for that same Monday 12-4 window. I would appreciate if you could let us know your more precise availability as soon as possible. Thank you.



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From: Claudia Wilner <wilner@nclej.org>
Sent: Tuesday, November 19, 2019 1:06 PM
To: Quinn,Robert E <rquinn@ch.ci.buffalo.ny.us>
Cc: Darius Charney <dcharney@ccrjustice.org>; Travis England <england@nclej.org>
Subject: Re: Request for Meet and Confer

Rob, we can speak on Monday between 12-4. When during this window is best for you?

Also, did you see Darius's email yesterday (4:20pm) concerning our intent to depose Lieutenant Fahey. Will you accept service of a deposition notice or should we issue a subpoena?

Thanks.

From: Quinn,Robert E <rquinn@ch.ci.buffalo.ny.us>
Sent: Tuesday, November 19, 2019 11:29 AM
To: Claudia Wilner <wilner@nclej.org>
Cc: Darius Charney <dcharney@ccrjustice.org>; Travis England <england@nclej.org>
Subject: RE: Request for Meet and Confer

Can we do Monday? Sorry, Friday is not good for me.

From: Claudia Wilner [<mailto:wilner@nclej.org>]
Sent: Tuesday, November 19, 2019 11:14 AM
To: Quinn,Robert E <rquinn@ch.ci.buffalo.ny.us>
Cc: Darius Charney <dcharney@ccrjustice.org>; Travis England <england@nclej.org>
Subject: Request for Meet and Confer

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Rob, we would like to meet and confer with you about several outstanding discovery matters. We are available Friday from 11-3 or at 4pm. Please provide a time that works for you, or if Friday does not work, provide alternative times prior to Thanksgiving.

Thanks,
Claudia

